

Order

Michigan Supreme Court
Lansing, Michigan

January 29, 2016

Robert P. Young, Jr.,
Chief Justice

152114

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 152114
COA: 319942
Kent CC: 12-006969-FC

HENRY RICHARD HARPER,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the June 11, 2015 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion holding that it cannot be concluded that the two separate assaults constituted part of the “same transaction” under MCL 750.520b(3). We agree, however, that the sentencing judge failed to identify specific evidence from which one could conclude that the imposition of consecutive sentences was warranted. We therefore REMAND this case to the Kent Circuit Court. On remand, the trial court shall either issue an order that provides a basis for its conclusion that the two criminal offenses arose from the same transaction, or impose concurrent sentences.

We do not retain jurisdiction.



s0126

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 29, 2016


Clerk